

## Massachusetts OHV Advisory Committee Meeting Minutes

<b>Meeting name</b>	OHV Advisory Committee Meeting (13)		
<b>Date</b>	9-11-13	<b>Time</b>	11:00 AM – 3:00 PM
<b>Location</b>	Central Mass Regional Planning Commission, Union Station Worcester, MA	<b>Meeting host</b>	Stephanie Cooper (EEA)
<b>Committee members present</b>			
Randy Toth (Snowmobile Association of MA)	Chris Mossman (MA Forest Landowners Association)	Capt. Merri Walker (MEP)	Gary Briere (DCR)
Tad Ames (Berkshire Natural Resources Council)	Ken Anderson (Mass ATV)	Dan D'Arcy (Power Sport Dealers Association)	Katie Kearney (Child Safety Advocate)
Chief Ernest Horn (Mendon Department of Public Safety)	Steve "Bubba" Gardner (NETRA)		
<b>Guests</b>			
Larry Tucker	Rich Hylan		
<b>Committee members absent</b>			
Sharon Jordan (MA Forest & Parks Friends Network)	Colleen McGuire (DPH)	VACANT– rep. of non-profit organization that owns and manages land open to the public	VACANT – rep. of OHV users
Celia Riechel (EEA)			

<b>Synopsis of items discussed</b>
<p><b>1. Welcome &amp; Committee membership update</b></p> <p>Welcome and introduction of Steve "Bubba" Gardner as new committee member representing NETRA. Review of other pending and vacant membership. We are in the process of appointing a replacement for Priscilla Chapman for the representative of a non-profit that owns and manages land open to the public. The seat for a representative of OHV users remains vacant. We are open to suggested candidates and encourage people to spread the word. Any interested candidates may submit a letter and resume to EEA. For those members whose appointments expire in December, we will be in touch to discuss whether you are interested in continuing to serve.</p> <p><b>2. Legislative update</b></p> <p>Stephanie presented two OHV-related bills that are pending in the Legislature. (NOTE – insert bill numbers). H2146 relates to the agricultural exemption. The second bill involves searches and seizures. There was a discussion of what happens when vehicles are seized by local police. Any resulting revenue is returned to the</p>

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General Fund of the municipality and not to the Police Department. Chief Horn reported that Representative Fernandes is interested in filing a bill that would direct such revenue to a dedicated fund (established under Chapter 94C, Section 7, such funds are overseen by the Department of Revenue). This would give an incentive for local police departments to get more involved with OHV enforcement. Chief Horn volunteered to draft some suggested language and share with the committee. The Environmental Police (MEP) generally seizes between three and six vehicles per year.

Discussion of how to best keep the Committee updated about legislative issues, noting that perhaps it makes sense to flag only those bills that are progressing through the committees.

### **3. DCR update**

DCR is holding public meetings in October to seek input on a revised version of the new volunteer policy. A first draft was completed in 2011, and input from the public found that it was too bureaucratic and the process for engaging volunteers too cumbersome. DCR took this into account and the new policy is simpler. The agency wants to take advantage of interested volunteers, and rebuild partnerships with the OHV community for trail maintenance. A member stated the new version is a huge improvement over the first version. The public meetings will cover both the volunteer policy and the revised park regulations.

A guest attendee asked how park supervisors are handling volunteers now. DCR noted there is some confusion because of the draft policy being in flux, and most are awaiting guidance from a final policy. Field staff have been briefed on the new policy. There will be a need to liaise with organizations as the final policy is rolled out.

A member expressed that the definition of a non-profit would exclude ATV clubs (if they are not registered with the Secretary of State). This law established a mechanism so that "registered" non-profits are protected from liability for their volunteers when engaged in activities that support the park system, doing work on DCR property.

DCR wants to document the contribution of volunteers and recognize it. We will share the schedule for the public meetings.

A note about the revised park regulations is that the old regs included the specific locations where OHV use is allowable and the new version does not.

DCR has a new trails coordinator, Scott Morrill, who is dedicated to supporting the OHV program. In the past, DCR had a seasonal maintenance crew funded by the Recreational Trails program. The maintenance crew got some new equipment this year, but lost a staffer mid-season. The maintenance and permit system has been integrated under the new coordinator, and he is looking to do some trail improvements using Recreational Trails funds.

A few years ago the agency introduced the permit system, first at Pittsfield and then expanded it to cover all OHV trails in the Berkshires. It is a free, user-friendly permit and the program has helped to document the level of use.

A member noted that the permits are quick and easy to apply for, and can be

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printed at home, and can even a version on your phone. He also noted he doesn't see a lot of riders.

DCR report that there were 25 to 30 riders in Pittsfield last weekend. The numbers seem down however we are counting and specifically documenting use. Staff are seeing out of state riders who aren't aware of the need for permits, which points to a need for better communication.

DCR held its internal annual meeting at the end of the season, to review how it went. In terms of ridership, the numbers have plateaued for the past three seasons – typical midweek ridership at Pittsfield is two to three per day and 25 on a weekend day is a lot. It never came close to hitting the daily limit for permits of 50 riders per day. Some factors responsible for this may include frustration with DCR and expanded trail opportunities nearby in New Hampshire. In addition, some find the relocated parking from the Day Use area at Pittsfield to Balance Rock to be inconvenient for trail access. One member commented that it is sad to see families out there who can't ride anymore. Another noted Pittsfield is not desirable for riders given the decreased trail network. DCR explained that the trails are closed because of state-protected species and other environmental obligations. It was also discussed that the Berkshire trails were not designed for OHVs, however F. Gilbert Hills was built for motorcycles.

A member asked what the status is of the fine filter analysis [application of DCR siting criteria for OHV trails] for Pittsfield and the other properties that currently allow OHVs. DCR answered that with Commissioner Lambert's departure and a new commissioner, there has been transition and the application of the siting policy to the eight properties is still pending. Another member noted that Pittsfield is sad, and that magazines have articles about events in other states but there is nothing here except the Monson Hill climb, and that money is going to other states.

It was discussed that DCR partnered with NETRA to host a 40<sup>th</sup> anniversary ride at Savoy State Forest. It was a great event, and NETRA was a good partner. There were 175 participants, and environmental, safety and communications issues were well addressed. DCR stated that the trails at Savoy are in good shape after this event. Another member noted he was not aware of the NETRA event. The question was raised as to whether Savoy can be run through the coarse filter analysis and evaluated for reopening to OHVs. Can more access be allowed there? DCR answered that this was a specifically prescribed route, with sensitive areas off limits. And the agreement with NETRA was that if conditions on the ground were bad, the event would have to be cancelled. A special use permit was issued for the event through an existing process and DCR will send around the application. Overall, DCR's policy on OHV access is that the agency has its hands full managing the existing access and can't entertain adding new locations until we can provide a good rider experience and protect the resources. One member stated he does not believe the species issues related to trail closures are valid. Another noted that the International Six Day trial brought in a lot of money and tourists to Massachusetts.

EEA reiterated the varied mission of the committee, and that we have a diverse membership that reflects different points of view. As a result, inevitably some topics discussed are more relevant to some members than others, but it is expected that we are all respectful participants even if the topic is not in one's direct interest.

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A new member requested time for a brief presentation. He showed graphics and photos about OHV riding and shared his point of view about the state of affairs for OHV riders in Massachusetts. When asked to summarize his views, he stated that riding areas are not equally distributed across the State, it is worthwhile to allow family riding, and there is a lack of accessibility.

#### 4. Outreach & Education update

Katie Kearney reported she asked some doctors' offices to display OHV educational materials, and they said they wanted to keep them on hand, but wouldn't display them. She also spoke to a PTA (**question for Katie - not sure if this is your district or larger organization??**) that is willing to distribute materials.

Following up on the discussion at last meeting about working with School Resource Officers, Merri Walker reported that her staff had contacted some of these officers. On the South Shore, they will distribute OHV materials, but aren't able to integrate them into their curriculum. Also, they were not open to doing informational announcements.

The group discussed it would be helpful to have a "canned" presentation to give to groups we are asking us to help get the message out. The group talked about wanting more outreach and enforcement assistance from Local PD's. MEP reported that they are going to produce an online course for municipal law enforcement, and they are seeking feedback from local PD's on this.

MEP reached out to some dealers, and some are interested in having more materials to distribute, others not as much interest. One member noted there has been discussion about dealers doing rider education in the past, and it hasn't come to fruition. Another member stated that enthusiasm among dealers is gone.

MEP noted that the outreach to dealers has not been very successful. It was also reported there is an effort underway to develop national standards for education.

MEP reported that since June, 37 students have completed the online course. Demand was quite low over the summer. Eight classes are scheduled for the fall, but only two students have signed up so far.

Guest attendee Rich Hylan (Adventure Education Director for the Robert F. Kennedy Children's Action Corps) said that the motorcycle safety foundation has information about available classes. He stated that more certified trainers are needed to give the course. MEP stated they are open to this. Rich's organization would like to partner more with MEP. RFK gives a National Youth Project Using Mini-bikes program ("NYPUM") funded by Honda, which is offered at 35 sites around the U.S. Kids enjoy the course. Once a year, NYPUM participants attend the NYPUM rodeo, an annual competition. MEP stated they are willing to "certify" providers and that they need more ATV-side education. MEP has put together a draft PSA.

#### 5. Enforcement Update

MEP provided an update and presented recent data (see hand outs).

A member asked about another member's email about illegal youth riding in Methuen. A concerned citizen reached out to help. MEP deployed officers and the

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situation has improved, however there may be problems again with school back in session. North Andover offers ATV riding with kids at its annual National Night Out. A member reached out to inform them of the law and age limits for youth riding. They said they were not aware of the restrictions, and MEP has followed up with both North Andover and Methuen. MEP attended the event and distributed materials.

### **6. OHV Program Fund Update**

EEA presented an update and review of OHV Trust expenditures as of the end of fiscal year 2013 (see hand out). A member asked for more details about the \$28,000 for the IT system, and EEA committed to provide more information. Another comment was that \$35,000 seems high for two snowmobiles and three trailers. MEP explained that they are enclosed trailers, and specially outfitted with marking and lights. Eligibility for uses of the fund was discussed, in particular that state agencies are eligible, as well as municipalities via grants.

EEA reported that we have established a link with the RMV so that the Trust will receive ongoing deposits for the 75% share of OHV funds, and are working on transferring about \$22,000 collected in 2013. We are working with the Comptroller's office to recover some portion of funds collected prior to 2013, but accounting rules and regulations may prevent it.

DCR noted that it would be helpful to compare the registration data for Massachusetts with other states in the region, to see if we are consistent with a regional trend. Dan D'Arcy noted that J.D. Power tracks this type of data and he volunteered to request it, and share with the committee. MEP gave a synopsis of a recent conference call with other states – Vermont is seeing little activity and has recently instituted new OHV regulations, New Hampshire is seeing high activity, Maine has support from its gas tax, and activity level is high.

### **7. Regulations Revisions Update**

There was a quick status report on MEP's work on revising the regulations to generally make the age limits easier to understand and to implement the new law allowing for limited exemptions for participants in organized events. MEP is working to incorporate the Committee's feedback and will share a proposed draft.

### **8. Other Items**

RFR for trail opportunities – question about the status of this. EEA has been developing this, shaped by the committee's input and will report at the next meeting.

### **Next steps/action items**

1. Updates on committee membership (EEA)

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2. Draft legislative language to establish law enforcement trust fund (Chief Horn)
3. Distribute information about DCR public hearings on volunteer policy and regulations (DCR/EEA)
4. Request JD Power data on OHV registration for other states (Dan D'Arcy)
5. Provide update on New Trail Opportunities grant program (EEA)

**Next meeting**

Wednesday, December 11<sup>th</sup>, 11:00am – 3:00pm

Location: Mt. Wachusett State Reservation, Princeton, MA